

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

BENJAMIN CASE, et al.,

Plaintiffs,

-against-

THE CITY OF NEW YORK, et al.,

Defendants.

USDC SDNY  
DOCUMENT  
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DATE FILED: 07/12/2023

14-CV-9148 (JLR)

**ORDER**

**BARBARA MOSES, United States Magistrate Judge.**

This Court's May 5, 2023 Order Scheduling Settlement Conference (5/5/23 Order) (Dkt. 197) required that, "**promptly after receipt of this Order, the parties conduct at least one good-faith settlement discussion, in person or by telephone, and that each party convey to each opposing party at least one good-faith settlement demand or offer**" and specified that "**[p]ast settlement negotiations may not be relied upon to satisfy this requirement.**" 5/5/23 Order ¶ 2 (emphasis in original). This provision, which is binding on both sides, is designed to ensure that the upcoming Court-facilitated settlement conference – which requires a significant investment of time and effort by the parties, their counsel, and the undersigned Magistrate Judge – is not a waste of that time and effort.

The parties' confidential settlement letters, which the Court has received and reviewed, show that their counsel conducted a substantive settlement discussion in early June, at which plaintiff conveyed a revised settlement demand (improved from plaintiff's past position). However, defendants have not conveyed any revised settlement offer. Instead, they represent to the Court that they are "open" to "attempting to reach a mutually agreeable resolution" at the in-court conference. This does not satisfy the 5/5/23 Order.

No later than **July 17, 2023**, defendants must submit an updated confidential settlement letter, by email to [Moses\\_NYSDChambers@nysd.uscourts.gov](mailto:Moses_NYSDChambers@nysd.uscourts.gov), which confirms that defendants have conveyed a "fresh" good-faith settlement offer to plaintiff and sets forth the terms of that offer.

Dated: New York, New York  
July 12, 2023

**SO ORDERED.**



**BARBARA MOSES**  
**United States Magistrate Judge**